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EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/324,249

Applicant(s)

KNOWLES, ANDREW THOMAS

Examiner

Aung S. Moe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 34 and 35 is/are allowed.
6) ☐ Claim(s) 1-6, 8-21 and 23-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. It is noted that this application recited in the first sentence of the specification to claim subject matter disclosed in prior provisional Application No. 60/087,745, filed on 6/02/1998. In addition, the it is stated that the instant application is **“Continuation-in-part (CIP) application of provisional application number 06/087, 745 filed on 06/02/2004”**, however, this stated is considered **incorrect** because it is sated in MPEP § 201.08 that an application claimed the benefits of provisional application under 35 U.S.C. 119(e) should not be called as “continuation-in-part” of the provisional application since an application that claims benefit of a provisional application is a nonprovisional application of a provisional application, **not** a continuation, division, or continuation-in-part of the provisional application. In view of this, the stated recited in the first sentence of the instant specification should be corrected because the instant application is not CIP of the provisional application. If applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a).

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Oath/Declaration

2. The declaration of this application contains the statement reciting that **“this application is a continuation-in-part (CIP) of provisional application number 60/087,745 filed on 06/02/1998”** and such statement is considered incorrect as discussed above. In order to correct such inaccuracies, a supplemental oath or declaration is required under 37 CFR 1.67. See MPEP §§ 602.01 and 602.02.

Response to Arguments

3. Applicant's arguments, see page 14 of the remarks, filed on March 03, 2004, with respect to the Final Office action mailed on 12/03/2003 have been fully considered and are persuasive. The rejection of 35 U.S.C. 112 of claim 2 has been withdrawn.

4. Applicant's arguments with respect to claims 1-6, 8-21, and 23-33 have been considered but are moot in view of the new ground(s) of rejection.

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Claim Rejections - 35 USC § 112

5. Claims 11-15 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, it is unclear how “user data” recited in lines 5 and 8 relates to “user data” recited in line 4? If there are the same “user data”, the Examiner suggests changing “user data” in lines 5 and 8 to - - said user data - -.

In claim 11, it is unclear how “wireless digital camera apparatus” recited in line 2 related to “a digital camera means” recited in line 8? Clarification is need.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, ***published under section 122(b)***, by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 9, 10, 16, 17, 29 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward et al. (U.S. 2003/0142215 A1).

Regarding claim 9, Ward '215 discloses a wireless digital apparatus (i.e., see Figs. 1 and 2), comprising:

a processor (i.e., noted from Fig. 1 that the wireless apparatus 10 includes the processor element 34), a memory connected to said processor (i.e., noted that the storage devices 28 and 30 are coupled to the processor element 34 as shown in Fig. 1) contains at least a previous established configuration table and an address associated with a remote server (i.e., page 1, paragraphs 0012 and 0013), user interface means (Fig. 1; the elements 24 and 26) connected to said processor (34) for displaying a list of recipient codes stored in said configuration table (i.e., noted that the recipient information such as keywords or icons in a menu 54 are displayed on the LCD display device; see page 2, paragraph 0014+) and receiving signal indicating user selection of at least one recipient code from the displayed list (i.e., noted that the processor 34 receives signals when the user selected the specific recipient via the user interface; see Fig. 2, the steps 52-56, page 2, paragraph 0014+);

an RF communications device (i.e., the communication interface 32) connected to said processor (i.e., Figs. 1 and 2, the elements 34 and 32); and processor control means (Fig. 1, the element 34), responsive to signals received from said user interface means (i.e., Fig. 2, steps 52-60), for transmitting one or more messages including at least one recipient code (i.e., see Figs. 3

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& 4), via said RF communications device (i.e., see the menu 54 of Fig. 2) to said remote system (14) (i.e., see page 2, paragraphs 0014+).

Regarding claim 10, Ward '215 discloses a digital camera (Fig. 1; the element 10) connected to said processor (34), and where each message further includes at least one digital image captured by said digital camera (i.e., see Fig. 2; page 2, paragraph 0014+).

Regarding claim 16, Ward '215 discloses a method in a data processing system (i.e., Fig. 1) for transmitting a message to a remote system (14) associated with a predetermined address (i.e. noted the address stored in the network configuration file), comprising:

establishing a connection with an external network (i.e., as shown in Fig. 2, the camera is capable of establishing the communication with the remote server 14 by the using the appropriate communication means as shown in the menu 54) ; .

displaying on a user interface component of the data processing system one or more predefined recipient codes (i.e., noted that the LCD 24 is capable of displaying the predefined recipient codes so that the user can select the specific keywords or icons via the user buttons 26; see page 2, paragraphs 0014+);

receiving user input indicating selection of at least one displayed recipient code (i.e., noted that the CPU 34 is capable of receiving the user input when the user select the specific Icons or the specific recipient from the image utilization file form the LCD display 24; see page 2, paragraph 0014+);

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formatting a message, including at least one selected recipient code (i.e., noted that the CPU 34 is capable of formatting a message as shown in Fig. 2 based on the user selections; see page 2, paragraph 0014); and transmitting said message (i.e., Fig. 2) via said wireless network (i.e., noted the use of Cellular and Satellite network as shown in Fig. 2) to said remote system (14).

Regarding claim 17, Ward '215 discloses the step of obtaining a digital image from a digital camera (10), and where said step of formatting a message further comprises including said digital image in said message (i.e., see Figs. 2, 3 and 4).

Regarding claim 29, Ward '215 discloses a method in a wireless digital camera apparatus (10) including at least a processor (34) connected to an RF communications device (32), a user interface (i.e., the element 26), and a memory (30/28), comprising the steps of:

- a) displaying on the user interface (i.e., noted the LCD 24 and the user buttons 26 of the digital camera) representations of one or more recipients (i.e., noted the icons in a menu 54 as shown in Fig. 2) to whom one or more image are to be distributed (i.e., page 2, paragraph 0014);
- b) receiving a first user input (i.e., noted that)indicating selection of a representation displayed on the user interface (i.e., the user input is receiving at the interface as shown in Fig. 2, the step 52; see page 1, paragraph 004, paragraph 005; page 2, paragraph 0014);
- c) selecting address data, corresponding to the representation indicated by the first user input, from a configuration table (i.e., noted the "network configuration" file contain a

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configuration table which is stored in the memory 28 or 30; see Figs. 3-4 and page 1, paragraph 0012 and 0013; page 2, paragraph 0014+); and

d) in response to each second user input from the user interface, 1) capturing a digital image, and 2) formatting a message including at least said image, and 3) transmitting said message via said RF communication device to a remote system associated with said address data (i.e., as shown in Fig. 2, the user can provide a send command at the step 58 for capturing a digital image provided at the step 50, and the captured image is formatted and transmitted in the steps 60-62).

Regarding claim 33, Ward '215 discloses a digital camera (10) comprising: a mechanism for forming one or more images (i.e., noted the CCD image sensor 22); and a distribution mechanism configured to distribute (i.e., noted the communication interface 32 and a network configuration file stored in the memory 28 or 30) the one or more images from the digital camera to another location by: displaying on a user interface component the digital camera (i.e., the LCD display 24 of the camera 10), graphic representations of one or more recipients to whom one or more images are to be distributed (i.e., as suggested in page 2, paragraph 0014, of Ward '215, the decision to transmit one or more images may be made by choosing one of the keywords or icons in menu 54 in Fig. 2, and the selected image can be tag with a specific code by using the "utilization" file so that the selected image is distributed to various recipients based on the user selection at the digital camera's interface);

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receiving user input indicating selection of a graphic representation displayed on the user interface (i.e., noted that the processor 34 is capable of receiving the user input which indicating the selection of specific icons or the recipients in order to tag the image with the service requested; see Fig. 2; and page 2, paragraphs 0014+);

storing, in the digital camera, data corresponding to the graphic representation indicated by the user input (i.e., noted that the memory 30 or 28 can store a network configuration file and the "utilization" file indicated by the user; see page 1, paragraph 0004, 0013; and page 2, paragraph 0014);

distributing the data, with the next image formed by the digital camera (10), to a networked computing device (14) (i.e., noted from Fig. 2, if the send command is not entered in the step 58, the digital camera 10 is allowed to form the next image, and the steps 60-64 shown that camera is distributing the data to the networked computing device 14 as claimed).

8. Claims 21, 23, 24, 25, 26, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (U.S. 2003/0025808 A1).

Regarding claim 11, Parulski '808 discloses digital photo delivery system (Fig. 1) comprising: at least one wireless digital camera (12) apparatus, wherein each said apparatus includes a processor (29); a memory (36, 32); and a destination address (i.e., page 2, paragraph 0016); and one or more previously defined recipient codes (i.e., page 2, paragraph 0016) stored

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in said memory (36/32); user interface means (i.e., the LCD 24 and the user buttons 26) connected to said processor for at least displaying one or more said recipient codes (i.e., page 2, paragraph 0017), and receiving signals indicating user selection of a displayed recipient code (i.e., noted that the processor 29 is capable of receiving a user selection signals input at the LCD 24 via the user buttons 26); a digital camera means (i.e., the CCD image sensor 20 and the A/D converter 22) connected to said processor (29); a

Regarding claim 21, Parulski '808 discloses a method for archiving and distributing digital images using a digital apparatus (i.e., the camera 12, Kiosk 16 and the Service Provider 14) with wireless packet data network (i.e., noted the wireless communication network 31) access and image capture capabilities (i.e., the camera 12), comprising:

capturing digital images with the digital apparatus (i.e., the digital camera 12); transmitting a message including at least one digital image and at least one code to a predefined remote server (i.e., Figs. 1-5; page 3, paragraphs 0024+); parsing the message at the server (14) and processing (i.e., noted the CPU at the Service Provider 15) each image according to each code (i.e., noted that when the transmitted file are received at the remote server 14, the received data including a specific file name is parsed by the server computer to process the image data according to the specific code provided in the "utilization" file of the received data; see page 3, paragraphs 0024+).

Regarding claim 23, Parulski '808 discloses wherein processing the images further comprises:

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selecting at least one set of recipients corresponding to at least one code to whom at least one image is to be send, each set including at least one recipient (i.e., noted from Figs. 2 and 4, the set of recipients “Family, Friends, etc.” and the specific code is provided in the “utilization” file to send the image to the recipient; page 2, paragraphs 0017, 0023; page 3, paragraphs 0025+).

Regarding claim 24, Parulski ‘808 discloses wherein said file name further includes an account identifier (i.e., see Figs. 4).

Regarding claim 25, Parulski ‘808 discloses a method for archiving and distributing digital image using a digital apparatus with wireless packet data network access and image capture capability (i.e., see Figs. 1-5), comprising the steps of:

capturing a digital image file and saving it in the apparatus memory (i.e., noted the memory 36 & 32 of the camera; the memory 52 of the server; and DRAM of device 16 as shown in Fig. 1) with a file name including at least one code (i.e., noted the specific file name as shown in Figs. 4-5; and see page 2, paragraphs 0023); transmitting said digital image file to a predefined remote server (i.e., page 2, paragraphs 0020+); parsing the file name at the server and processing the image according to each said code (i.e., noted that when the transmitted file are received at the remote server 14, the received data including a specific file name is parsed by the server computer to process the image data according to the specific code provided in the “utilization” file of the received data; see page 3, paragraphs 0024+).

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Regarding claim 26, Parulski '808 discloses wherein said file name further includes an account identifier (i.e., see Figs. 4).

Regarding claims 30, Parulski '808 discloses a method in a data processing system for processing a digital image at a location remotely located from the image captured location (i.e., noted the service provider 14 is remote located from the image capture device 12) comprising:

a) receiving a digital image from a digital camera (i.e., noted that the image from the camera 12 is received at the service provide 14; page 2, paragraph 0020+); and

b) in response to receiving each digital image, automatically performing the steps of:

(1) formatting a message, including at least said digital image and a pre-selected code (i.e., noted the pre-selected code as shown in Fig. 4), and (2) transmitting said message to a remote server associated with a predetermined destination address (i.e., noted that the utilization file transmitted from the camera 12 may includes e-mail address to allow images to be automatically send to others, postal address information for sending print image, or albing information to allow images to be placed in an on-line image database as discussed in page 1, paragraph 0008, thus, the steps (1) and (2) must automatically perform by the service provide 14); and

c) processing each said message on said remote system according to data that is associated on said remote system with the code in said message (i.e., noted that the remote service provide 14 contains computer for processing the image data based on the specific code from the utilization file; page 2, paragraphs 0021+, page 3, paragraphs 0024+).

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Regarding claim 31, Parulski '808 discloses wherein said processing further including parsing the image from said message (i.e., noted that the utilization file attached to the image data as shown in Figs. 4 and 5, has to be parsed by the remote service provide 14 in order to fulfill the specific order; page 3, paragraphs 0024+) and printing the image at a location associated with the code (i.e., page 2, paragraphs 0020 and 0023+).

9. Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by Squilla et al. (U.S. 6,396,537).

Regarding claim 32, Squilla '537 discloses a method for initializing a rental device with user preference data (i.e., noted the personality files stored in the rental camera 24 and the server 70 as shown in Fig. 2), comprising: establishing a user ID and associated user preference data on a server (i.e., col. 8, lines 5+); associating said rental device (24) with said user preference data (i.e., col. 6, lines 20 – 68; col. 7, lines 30+; col. 8, lines 5+ and col. 9, lines 5-20); and updating said rental device with at least some of said user preference data (i.e., Figs. 4-7; col. 8, lines 40-68)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai '469 in view of Korpela et al. (U.S. 6,167,283).

Regarding claim 1, Safai '469 discloses a wireless digital camera apparatus (Figs. 6 and 7), comprising: a digital camera (100) including at least a processor, user interface, and a memory (Figs. 1-2, the elements' 110-116, 220, 212); an RF communications device connected to said processor (Fig. 2, the elements 214/208 and Fig. 7, the elements' 718; col. 6, lines 15+, col. 13, lines 10-30 and col. 18, lines 5-15); a remote server address stored in said memory (i.e., the Internet addressing protocols and an electronic address, such as an electronic mail address that follows the Internet addressing format may be stored in the memory of the camera; see col. 8, lines 50+, and col. 9, lines 15+); and

processor control means (Fig. 2, the element 210) for a) establishing a persistent link between said RF communication device (i.e., noted that the communication port 214 is capable of establishing a persistent telecommunication link) of the camera and an external network (i.e., see Fig. 6; the elements 606 and 608), and b) in response to a signal from the user interface, 1) capturing digital images (col. 5, lines 30+ and col. 6, lines 1+), 2) formatting a message, including at least one said digital image (i.e., it is noted that image data captured by the Camera 236 and the information inputted as shown in Figs. 4A-4F must be formatted before transmitting to the remote server 606 and 608), and 3) transmitting a message, including at least one said

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digital image, via said RF communications device to a remote system(col. 12, lines 36+, col. 13, lines 10-30 and col. 18, lines 10+).

Furthermore, it is noted that Safai '469 shows the use of different RF links (i.e., col. 6, lines 5+ and col. 18, lines 5+) to establishing a communication link between the wireless communication device of the Camera 104 and the remote system (i.e., see Fig. 4) associated with the destination address (i.e., noted that the destination address of the server stored in the camera; see col. 8, lines 25+ and col. 9, lines 15+). In this case, although it is clearly that in order to successfully transmitting the message from the camera to the remote server, the persistent communication link between the camera (104) and the remote system (602/601 or 610) (i.e., whenever the camera is connected to the server) and the apparatus (104) is constantly established when the communication device of the camera is first turned on for transmission (i.e., noted that whenever the camera 104 is connected to the communication interface, the camera has to be turned on to download the image data to the remoter server), Safai '469 does not explicitly state "the communication link is established whenever the processor detect the external network is not available" as recited in present claimed invention.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Korpela '283. In particular, Korpela '283 teaches the use of a RF communication device (20) in a wireless digital camera (i.e., noted that the RF device 20 may be used as a digital camera as discussed in col. 8, lines 1-10) having processor control means (i.e. see Fig. 7, the elements 75) for establishing a persistent link between the RF communication device (20) and

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the remote system network (i.e., noted the service provider network base stations as shown in the Cellular networks communication) when the apparatus is first activated and thereafter whenever the processor (75) detects that the external networks is not available (i.e., see Figs. 6, steps 101-109; col. 6, lines 55- col. 7, lines 15).

In view of the above, having the system of Safai '469 and then given the well-established teaching of Korpela '283, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Safai '469 as taught by Korpela '283 so that it would provide better communication that best matches the user profile and terminal capability as suggested by Korpela '283 (i.e., see col. 4, lines 24+).

Regarding claim 2, the combination of Safai '469 and Korpela '283 discloses wherein said memory further includes at least one previously defined recipient code (i.e., noted that "recipient code" read on the user specified recipient name, such that "grandma" or "gwang" as shown in the E-mail address of Figs. 4e-4f, previously stored in the camera and defined by the user via the interface 416; see col. 9, lines 15+ of Safai '469) said user interface further comprises means for selecting a recipient code from in said memory (col. 9, lines 30+ and col. 13, lines 55+ of Safai '469), and said message further includes said recipient code (i.e., col. 13, lines 40+ and col. 14, lines 45+ of Safai '469).

Regarding claim 3, the combination of Safai '469 and Korpela '283 discloses wherein said user interface further comprises means for entering a recipient address, and said message further includes said recipient address (i.e., see Figs. 4A-4F; col. 9, lines 15+ of Safai '469).

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Regarding claim 4, the combination of Safai '469 and Korpela '283 discloses wherein said means for entering a recipient address comprises a microphone and voice recognition module (i.e., the microphone 216 of Fig. 2 and noted the use of *voice commands* as discussed in col. 6, lines 26+ of Safai '469).

Regarding claim 5, the combination of Safai '469 and Korpela '283 discloses wherein said user interface further comprises means for selecting a classification for said digital image and wherein the message further includes said classification (i.e., noted from Figs. 4A-4F that user may select a classification for the digital image by either selecting the text information in the address entry field 414 or selecting a voice message to classify the digital image, and such classification data is transmitted along with the digital images to the remote server 601; col. 9, lines 4+ and col. 11, lines 26+ of Safai '469).

Regarding claim 6, the combination of Safai '469 and Korpela '283 discloses wherein said user interface further comprises means for creating a digital audio recording, and said message further includes said digital audio recording (i.e., col. 11, lines 26+ and Fig. 4D of Safai '469).

Regarding claim 8, the combination of Safai '469 and Korpela '283 discloses wherein said memory further includes user identifier, and wherein said message further includes said user identifier (i.e., as shown in Figs. 4B and 5A and col. 9, lines 15+ the user may select a recipient code, the predetermined addresses stored in the internal table of the camera, by entering an address, and the auto-completion function retrieves the complete address from the internal table

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so that this address can be included with the transmitted message data; col. 12, lines 40+ and col. 13, lines 55+ of Safai '469).

11. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward '215 (U.S. 2003/0142215) in view of Korpela '283 (U.S. 6,167,283).

Regarding claim 27, Ward '215 discloses a wireless digital camera (10) apparatus, comprising: a digital camera (10) including at least a processor (34), a user interface (24/26), and a memory (30/28); an RF communication device (i.e., the communication interface 32) connected said processor (34); a remote server address stored in said memory (i.e., page 1, paragraphs 0004 and 0013); and processor control means for: a) establishing a persistent link between the RF communication device (32) and an external network (i.e., the elements 14 & 40) when the apparatus is first activated (i.e., noted that the communication port 32 is capable of establishing a persistent telecommunication link by selecting appropriate available server networks as shown in Fig. 2, when the system is turned on for sending the data form the camera 10 to the external network 14/40); and

b) in response to a signal form said user interface, 1) capturing a digital image (i.e., see Fig. 2, page 2, paragraph 0014), 2) saving said image in said memory (30) with a file name including at least one predefined code (i.e., noted the use of a network configuration file and the "utilization" file as shown in Figs. 3 and 4), and 3) transmitting said image file to said remote server (14) via said external network (40) (see Fig. 2).

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Furthermore, it is noted that Ward '215 shows the use of different RF communication links (i.e., see Fig. 2, noted the Cellular, CDPD and other radio communications as listed in the menu 54) to establishing a communication link between the wireless communication device of the Camera 10 and the remote system (i.e., 14/40) associated with the destination address (i.e., noted that the destination address stored in the memory 30 of the camera; see Figs. 3-4). In this case, although it is clearly that in order to successfully transmitting the message from the camera to the remote server, the persistent communication link between the camera (10) and the remote system (14/40) and the apparatus (10) must be constantly established when the communication device of the camera is first turned on for transmission (i.e., noted that whenever the camera 10 is connected to the communication interface, the camera has to be turned on to download the image data to the remoter server), Ward '215 does not explicitly state "the communication link is established whenever the processor detect the external network is not available" as recited in present claimed invention.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Korpela '283. In particular, Korpela '283 teaches the use of a RF communication device (20) in a wireless digital camera (i.e., noted that the RF device 20 may be used as a digital camera as discussed in col. 8, lines 1-10) having processor control means (i.e. see Fig. 7, the elements 75) for establishing a persistent link between the RF communication device (20) and the remote system network (i.e., noted the service provider network base stations as shown in the Cellular networks communication) when the apparatus is first activated and thereafter whenever

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the processor (75) detects that the external networks is not available (i.e., see Figs. 6, steps 101-109; col. 6, lines 55- col. 7, lines 15).

In view of the above, having the system of Ward '215 and then given the well-established teaching of Korpela '283, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ward '215 as taught by Korpela '283 so that it would provide better communication that best matches the user profile and terminal capability as suggested by Korpela '283 (i.e., see col. 4, lines 24+).

Regarding claim 28, noted claim 28 is corresponding to claim 27, thus, claim 28 is rejected for the same reasons as set forth above for claim 27 (i.e., see the Examiner's comments with respect to claim 27 above).

12. Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski '808 in view of Ward '215.

Regarding claim 11, Parulski '808 discloses digital photo delivery system (Fig. 1) comprising: at least one wireless digital camera (12) apparatus, wherein each said apparatus includes a processor (29); a memory (36, 32); and a destination address (i.e., page 2, paragraph 0016); and one or more previously defined recipient codes (i.e., page 2, paragraph 0016) stored in said memory (36/32); user interface means (i.e., the LCD 24 and the user buttons 26) connected to said processor for at least displaying one or more said recipient codes (i.e., page 2,

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paragraph 0017), and receiving signals indicating user selection of a displayed recipient code (i.e., noted that the processor 29 is capable of receiving a user selection signals input at the LCD 24 via the user buttons 26); a digital camera means (i.e., the CCD image sensor 20 and the A/D converter 22) connected to said processor (29); a communication device (i.e., the interface 28) connected to the processor (29); and processor control means (i.e., the CPU 29, the interface 28), responsive to signals received from said user interface means (26/24), for transmitting a message, including at least said selected recipient code, and one said digital image to said destination address via the communication device (i.e., page 2, paragraphs 0017 and 0020); and a server (14) associated with said destination address (i.e., the e-mail address as shown in Figs. 2 and 4) and responsive to messages received at said destination address from each said wireless digital camera apparatus (12); server memory means (i.e., noted the memory card interface and the storage 52 of the Service Provider 14) for storing account configuration data (i.e., page 3, paragraphs 0024 and 0027); and server control means (i.e., noted the computer as shown in the Service Provider 14) for parsing said recipient code from each said message, and processing each said message according to account configuration data associated with said recipient code (i.e., noted that when the transmitted file are received at the remote server 14, the received data including a specific file name is parsed by the server computer to process the image data according to the specific code provided in the "utilization" file of the received data; see page 3, paragraphs 0024+).

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Furthermore, it is noted that although Parulski '808 discloses the use of a wireless communication device (28), Parulski '808 does not explicitly state that the communication device (28) is a RF communication device as recited in claim 11.

However, using the RF communication device in the digital photo delivery system is well known in the art as evidenced by Ward '215. In particular, Ward '215 teaches that it is desirable to use an RF communication device, such as Cellular, CDPD or Satellite as shown in Fig. 2 to enhance operability of the communication device as obvious to ordinary skill in the art at the time of the invention was made.

In view of the above, having the system of Parulski '808 and then given the well-established teaching of Ward '215, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ward '215 by providing with a RF communication interface as taught by Ward '215, since Ward '215 suggest different type of RF communication devices are known to used with the digital camera to communication with the remote server device as shown in Fig. 2 so that user of the camera is provided with different type of RF communications thereby enhance operability of the communication device of the digital camera.

Regarding claim 13, the combination of Parulski '808 and Ward '215 discloses wherein said RF communications device comprises a wireless packet data transceiver (i.e., see Fig. 2-4 of Ward '215)

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Regarding claim 14, the combination of Parulski '808 and Ward '215 discloses wherein said RF communications device comprises a modem (i.e., noted the modem 28 and 32 of Parulski '808 and Ward '215) capable of establishing a connection to an external network (14) according to at least two protocols (i.e., noted the different protocols as shown in Fig. 2 of Ward '215), and selects an appropriate protocol depending on external network availability (i.e., noted from Fig. 2 of Ward '215 that it is obvious to select an appropriate protocol depending on the availability as claimed).

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski '808 in view of Ward '215 as discussed above and further in view of Harkins et al. (U.S. 5,689,642).

Regarding claim 15, although the combination of Parulski '808 and Ward '215 discloses wherein said server control means (i.e., the server 14 of both Parulski '808 and Ward '215 includes a control means to process the messages received therein) further comprises the account configuration record (i.e., the a network configuration files and the "image utilization" as shown in Figs. 3 and 4 of Ward '215 and Figs. 2 and 4 of Parulski '808), the combination of Parulski '808 and Ward '215 does not explicitly show message reply filter means for receiving messages addressed to each said wireless digital camera apparatus and only forwarding to said wireless digital camera apparatus those messages which originate from an address that is authorized for a reply in said account configuration record associated with said wireless digital camera apparatus.

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However, the above-mentioned claimed limitations are well known in the art as evidenced by Harkins '642. In particular, Harkins '642 teaches that it is conventionally well-known to use message replay filter means (i.e., the distribution list 60 and the communication channels 62 of the server as discussed in col. 7, lines 55+) for receiving messages addressed to each of the wireless digital apparatus (i.e., noted that the messages may be addressed to each of the wireless digital apparatus of the clients as shown in Channels 62; see col. 6, lines 1+) and only forwarding to said wireless digital apparatus those messages which originate from an address that is authorized for a reply in said account configuration record associated with said wireless digital apparatus (i.e., noted from Figs. 2 and 3, that the specific distribution lists may be stored at the server 4, so that the message is only forwarded/replied to the authorized client indicated by the server's distribution list of Channels 62; see col. 7, lines 50).

In view of the above, having the system of Parulski '808 and then given the well-established teaching of Harkins '642, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Parulski '808 as taught by Harkins '642. Since Harkins '642 suggests at column 4, lines 25+ that such a modification would improve data flow over a network by efficiently utilizing an information filter, and overloading the communication medium bandwidth over the network may be prevented.

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14. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (US 2003/0142215 A1) in view of Squilla et al. (U.S. 6,396,537).

Regarding claim 18, Ward '215 discloses in a wireless device that includes an wireless/RF communication device (i.e., the device 36 and 32), a memory (i.e., noted the memory 28 & 30 of Fig. 1; see page 1, paragraph 0012+ and page 2, paragraph 0013) containing an address associated with a remote server (i.e., noted the remote computer 12 and the server 14), a processor (Fig. 1, the element 34), and a user interface means (Fig. 1, the element's 44 and 26), a method for updating the user data on the wireless device with user data modified on the remote server (i.e., Figs. 1 and 2; page 1, paragraph 0012; page 2, paragraph 0013), comprising: establishing a communication link between the wireless device and the server via the wireless communications device (Figs. 1 and 2; page 2, paragraph 0013+); and transmitting user data from the server to the wireless device (i.e., Fig. 1; page 1, paragraph 0012, page 2, paragraphs 0013+).

Furthermore, it is noted that although the user data updated on the remote computer (12), which can connected to the network 40 and the server 14, is transmitted to the wireless device (i.e., the camera 10) via a wireless communication, such as infrared signal as discussed in page 2, paragraph 0013+, and the wireless device also includes the RF communication interface 32, Ward '215 does not explicitly stated RF communication is used to establish a communication link between the wireless device and the server as recited in the present claimed invention.

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However, it is obviously well known to use a RF communication device to establish the communication between the wireless device (i.e., the camera 10) and the remote server (i.e., the CPU 12 and the server 14) so that it would increase the communication range between the wireless device and the remote server. In particular, Squilla '537 teaches that the RF communication device can be used instead of using IrDA (infrared) interface to establish the communication between the wireless device (24) and the remote server (10/70) (i.e., col. 4, lines 20+).

In view of the above, having the system of Ward '215 and then given the well-established teaching of Squilla '537, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ward '215 by replacing the infrared interface with a RF communication interface as taught by Squilla '537 so that the communication links between the digital camera and the remote system can be extended (i.e., noted that it is conventionally known that RF communication provide a wider communication range than the IrDA communication).

Regarding claim 19, the combination of Ward '215 and Squilla '537 discloses wherein said user data comprises at least message classification codes (i.e., noted the network configuration file as discloses in Ward '215 contain the classification codes as shown in Figs. 3 and 4; see page 2, paragraphs 0013+).

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Regarding claim 20, the combination of Ward '215 and Squilla '537 discloses wherein said user data comprises at least a list of recipient codes (i.e., see Figs. 3-4 and page 2, paragraphs 0013+).

Allowable Subject Matter

15. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

17. Claims 34-35 are allowed.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

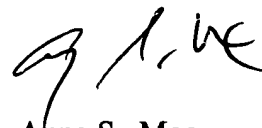
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a. Safai '003 shows a digital camera and method for communicating digital image and at least one address image stored in the camera to a remotely located service provider.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Aung S. Moe
Primary Examiner
Art Unit 2612

A. Moe
May 14, 2004